

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA
BY MPH

UNITED STATES DISTRICT COURT

for the

WESTERN District of LOUISIANA_

SHREVEPORT Division

ERIC JEROME TRAYLOR

Case No. 5:18-cv-0775

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SOUTHERN COMPONENTS, INC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	ERIC TRAYLOR
Street Address	P.O. BOX 38194
City and County	SHREVEPORT CADD0
State and Zip Code	LA, 71133
Telephone Number	318-617-8029
E-mail Address	ERICJEROMETRAYLOR@AOL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	MATT KRAL
Job or Title <i>(if known)</i>	SUPERVISOR
Street Address	7360 JULIE FRANCES DR.
City and County	SHREVEPORT CADDO PARISH
State and Zip Code	LA,71129
Telephone Number	(318) 687-3330
E-mail Address <i>(if known)</i>	WWW.SOCOMP.COM

Defendant No. 2

Name	ALLEN
Job or Title <i>(if known)</i>	YARD SUPERVISOR
Street Address	7360 JULIE FRANCIS DR.
City and County	SHREVEPORT CADDO PARISH
State and Zip Code	LA,71129
Telephone Number	(318) 687-3330
E-mail Address <i>(if known)</i>	WWW.SOCOMP.COM

Defendant No. 3

Name	BRE
Job or Title <i>(if known)</i>	LEAD FORKLIFT OPERATOR
Street Address	7360 JULIE FRANCIS DR.
City and County	SHREVEPORT CADDO PARISH
State and Zip Code	LA,71129
Telephone Number	(318) 687-3330
E-mail Address <i>(if known)</i>	WWW.SOCOMP.COM

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	SOUTHERN COMPONENTS INC
Street Address	7360 JULIE FRANCES DR.
City and County	SHREVEPORT CADDO PARISH
State and Zip Code	LA, 71129
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:

EQUAL PAY ACT (EPA)



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

☐

Failure to hire me.

☒

Termination of my employment.

☐

Failure to promote me.

☒

Failure to accommodate my disability.

☒

Unequal terms and conditions of my employment.

☐

Retaliation.

☐

Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
AUGUST 9, 2016 AND AUGUST 10, 2016

C. I believe that defendant(s) *(check one)*:

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☒

race _____

☐

color _____

☐

gender/sex _____

☐

religion _____

☐

national origin _____

☒

age *(year of birth)* 44 *(only when asserting a claim of age discrimination.)*

☒

disability or perceived disability *(specify disability)*

SPINE CONDITION, STRESS FRACTURES, GLAUCOMA

E. The facts of my case are as follows. Attach additional pages if needed.

SEE ATTACHMENT

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

OCTOBER 10 2016

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☐

issued a Notice of Right to Sue letter, which I received on *(date)* 03/19/2018 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I, M ASKING THAT THE COURT FINE SOUTHERN COMPONENTS INC \$650,000.00
\$200,000 FOR EACH VIOLATION AND \$50,000.00 IN BACKPAY AND ANY FEES

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/11/2018

Signature of Plaintiff

Printed Name of Plaintiff


ERIC TRAYLOR

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ERIC JEROME TRAYLOR,

PLAINTIFF,

VERSUS

SOUTHERN COMPONENTS INC,

DEFENDANTS.

COMPLAINT

PLAINTIFF ERIC JEROME TRAYLOR BRINGS THIS LAWSUIT ALLEGEING UNLAWFUL EMPLOYMENT DISCRIMINATION BY OFFICIALS OF SOUTHERN COMPONENTS INC WHEN HE WAS TERMINATED ON AUGUST 10 2016 AS A FORKLIFT OPERATOR AFTER TELLING AN EMPLOYEE ON AUGUST 9 2016 HE WOULD FILE A COMPLAINT WITH THE EEOC FOR DISCRIMINATION FOR NOT TRAINING HIM ON THE FORKLIFT AS INSTRUCTED BY ALLEN SUPERVISOR FOR SOUTHERN COMPONENTS INC BECAUSE MR TRAYLOR IS A 40 YEAR OLD BLACK DISABLED VETERAN LIVING WITH CERVICAL SPINE CONDITION, GLAUCOMA AND BILATERAL GRADE 1 STRESS FRACTURES WITH COMPARTMENT SYNDROME SPECIFICALLY, TRAYLOR FILES THIS COMPLAINT AGAINST MATT KRAL IN HIS OFFICIAL CAPACITY AS SUPERVISOR OF SOTHERN COMPONENTS INC SEEKING APPROPRIATE RELIEF AND COMPENSATION FOR HARMS RESULTING FROM DEFENDANTS UNLAWFUL EMPLOYMENT PRACTICES UNDER TITLE I OF THE AMERICANS WITH DISABILITIES ACT ("ADA"), THE AGE DISCRIMINATION IN EMPLOYMENT ACT ("ADEA"), EQUAL PAY ACT ("EPA"), TITLE VII OF THE CIVIL RIGHTS ACT

JURISDICTION AND VENUE

1. THIS COURT HAS JURISDICTION OVER THE SUBJECT MATTER OF TRAYLORS CLAIMS PURSUANT TO ("ADEA") 29 U.S.C. § 621 to 29 U.S.C. § 634, ("ADA") 42 U.S.C. § 12101, EQUAL PAY ACT ("EPA"), ("GINA") GENETIC INFORMATION NONDISCRIMINATION ACT.
2. VENUE IS PROPER IN THIS COURT PURSUANT BECAUSE DEFENDANTS RESIDE IN THIS JUDICIAL DISTRICT AND DIVISION, AND A SUBSTANTIAL PART OF THE EVENTS GIVING RISE TO TRAYLORS CLAIMS OCCURRED IN THIS JUDICIAL DISTRICT AND DIVISION.

PARTIES

PARTIES

3. TRAYLOR IS A RESIDENT AND DOMICILARY OF (CADDO PARISH) SHREVEPORT, LOUISIANA.

TRAYLOR IS A PERSON LIVING WITH ADA AND IS PROTECTED FROM UNLAWFUL DISCRIMINATION BASED ON HIS DISABILITY STATUS BY THE ADA.

4. MATT KRAL IS THE DECISION MAKER AND GOVERNING AUTHORITY FOR SOUTHERN COMPONENTS INC. ON INFORMATION AND BELIEF, MATT KRAL IS A RESIDENT AND DOMICILARY OF SHREVEPORT, LOUISIANA. HE CAN BE SERVED AT SOTHERN COMPONENTS WHICH IS LOCATED AT 7360 JULIE FRANCIS DR, SHREVEPORT, LOUISIANA 71129.

5. ON INFORMATION AND BELIEF, ALLEN (YARD SUPERVISOR) IS A RESIDENT AND DOMICILIARY OF SHREVEPORT, LOUISIANA. HE CAN BE SERVED AT SOUTHERN COMPONENTS WHICH IS LOCATED AT 7360 JULIE FRANCIS DR, SHREVEPORT, LOUISIANA 71129.

6. ON INFORMATION AND BELIEF, BRE (LEAD FORKLIFT OPERATOR) IS A RESIDENT AND DOMICILIARY OF SHREVEPORT, LOUISIANA. SHE CAN BE SERVED AT SOUTHERN COMPONENTS WHICH IS LOCATED AT 7360 JULIE FRANCIS DR, SHREVEPORT, LOUISIANA 71129.

7. AT ALL TIMES RELEVANT TO THIS ACTION ,SOUTHERN COMPONENTS INC HAS CONTINUOUSLY HAD AT LEAST FIFTEEN (15) EMPLOYEES, THERBY QUALIFYING SOUTHERN COMPONENT AS A "COVERED ENTITY" UNDER SECTION 101(2) AND (5) OF THE ADA. 42 U.S.C. 12111(2), (5).

DEFENDANTS, UNLAWFUL EMPLOYMENT PRACTICE

8. ON OR ABOUT 1 JUNE 2016, TRAYLOR APPLIED FOR THE POSITION OF FORKLIFT OPERATOR WITH SOUTHERN COMPONENTS PARTICIPATED IN AN IN PERSON JOB INTERVIEW WITH MATT KRAL IN HIS OFFICIAL CAPACITY AS HIRING MANAGER WITH SOUTHERN COMPONENTS

9. IN 2016 TRAYLOR MOVED TO SHREVEPORT LOUISIANA STARTED LOOKING TO SUSTAIN GAINFUL EMPLOYMENT ULTIMATELY RELOCATED AND BECAME A RESIDENT.

10. TRAYLOR WAS HIRED AS A FORKLIFT OPERATOR ALLEN (YARD SUPERVISOR) INSTRUCTED BRE (LEAD FORKLIFT OPERATOR TO TRAIN TRAYLOR ON LOADING TRUSS ON THE TRUCKS BRE TOLD TRAYLOR QUOTE UN QUOTE THAT I DON'T KNOW HOW TO TRAIN ANYONE ON LOADING THE TRUCKS LATER SHE TOLD TRAYLOR THAT THE REASON IS BECAUSE TTHEY WERE OVERLOADING TRUCKS AND GETTING FINED BY DEPARTMENT OF TRANSPORTATION BUT THE OWNER DON'T CARE HE WOULD RATHER PAY THE FINE SO THAT'S THE REASON

11. EVERYDAY HE WOULD GET ASK FROM BRE HOW MUCH THAT THEY WERE PAYING HIM AND HE WOULD RESPOND THAT HE DON'T KNOW

12. TRAYLOR WAS ALSO ASKED HOW OLD I WAS BY BRE WHEN HE ANSWERED SHE SAID THAT DAM YOU OLD

13. BRE WOULD LOAD THE TRUCKS HERSELF AND TELL THE SUPERVISORS THAT HE DIDN'T KNOW HOW TO LOAD THE TRAILORS.

14. ON AUGUST 9 2016 TRAYLOR WAS TAKEN OFF THE FORKLIFT AND TOLD TO TRAIN AN EMPLOYEE ON BANDING THE TRUST THEY REHIRED A PREVIOUS EMPLOYEE PUT HIM ON THE FORKLIFT THAT HE WAS OPERATING DAILY TRAYLOR TOLD BRE THAT THIS WAS DISCRIMINATION AND THAT HE WOULD FILING A COMPLAINT WITH THE EEOC.

15. ON AUGUST 10 2016 WHEN TRAYLOR REPORTED TO WORK HE WAS TOLD BY MATT KRAL HE WAS FIRED GIVEN NO REASON

16. TRAYLOR WAS, AND IS, FULLY QUALIFIED AS A FORKLIFT OPERATOR.

THE EFFECTS OF DEFENDANTS, UNLAWFUL EMPLOYMENT DECISION

17. AS A RESULT OF DEFENDENTS' TERMINATION OF EMPLOYMENT TRAYLOR EXPERIENCED LOST WAGES, EMOTIONAL PAIN AND SUFFERING, STRESS, ANXIETY, LOSS OF ENJOYMENT OF LIFE, HUMILIATION, INCONVENIENCE AND OTHER MONETARY AND DIGNITARY HARMS

18. AS A RESULT OF DEFENDANTS' TERMINATION OF EMPLOYMENT TRAYLOR WAS FORCED TO FIND ALTERNATIVE EMPLOYMENT.

19. AFTER DEFENDANTS' TERMINATION OF EMPLOYMENT TRAYLOR SUSTAINED ADDITIONAL MENTAL DISTRESS AND ANXIETY BECAUSE HE WAS FORCED TO CONCEAL HIS DISABILITY STATUS, FOR FEAR OF RETALIATION AND OTHER HARMS.

TRAYLOR'S EXHAUSTION OF AVAILABLE ADMINISTRATIVE REMEDIES

20. DEFENDENTS CONDUCT OF TERMINATING TRAYLOR'S EMPLOYMENT AFTER SAYING HE WOULD FILE A COMPLAINT WITH THE EEOC IS A VIOLATION OF TRAYLOR'S RIGHTS UNDER EMPLOYMENT RETALIATION ACT

21. ON OCTOBER 10, 2016, TRAYLOR FILED A TIMELY CHARGE OF DISCRIMINATION WITH THE U.S. EQUAL OPPORTUNITY EMPLOYMENT COMMISSION ("EEOC") ALLEGING THAT DEFENDANTS TERMINATION OF TRAYLOR'S EMPLOYMENT WITH SOUTHERN COMPONENTS INC CONSTITUTED UNLAWFUL DISCRIMINATION UNDER FEDERAL LAW.

22. ON MARCH 19 2018 THE U.S. EQUAL OPPORTUNITY EMPLOYMENT COMMISSION ISSUED TRAYLOR A NOTICE OF RIGHT TO SUE LETTER TRAYLOR RECEIVED THE LETTER ON MARCH 20, 2018. THIS SUIT IS TIMELY COMMENCED WITHIN 90 DAYS OF TRAYLOR'S RECEIPT OF THE NOTICE LETTER.

23. TRAYLOR HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES AVAILABLE TO HIM. ALL CONDITIONS PRECEDENT TO THE INSTITUTION OF THIS SUIT HAVE BEEN FULFILLED.

CAUSE OF ACTION

COUNT ONE

(AGE DISCRIMINATION IN VIOLATION OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)(29 USC 621)

24. THE FOREGOING PARAGRAPHS ARE REALLEGED AND INCORPORATED BY REFERENCE HEREIN.

25. THE DEFENDENDENT'S CONDUCT AS ALLEGED ABOVE CONSTITUES DISCRIMINATION BASED ON AGE DISCRIMINATION IN VIOLATION OF ADEA. THE STATED REASONS FOR THE DEFENDANT'S CONDUCT WERE NOT THE TRUE REASONS, BUT INSTEAD WERE PRETEXT TO HIDE THE DEFENDANTS DISCRIMINATORY ANIMUS.

COUNT TWO

(VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)(42 U.S.C. 12112 TO 12117)

26. THE FOREGOING PARAGRAPHS ARE REALLEGED AND INCORPORATED BY REFERENCE HEREIN.

27. THE DEFENDENDENT'S CONDUCT ASALLEGED ABOVE CONSTITUES DISCRIMINATION BASED ON AMERICANS WITH DISABILITIES ACT.THE STATED REASONS FOR THE DEFENDANT'S CONDUCT WERE NOT TRUE REASONS, BUT INSTEAD WERE PRETEXT TO HIDE THE DEFENDANTS DISCRIMINATORY ANIMUS.

COUNT THREE

(TITLE VII OF THE CIVIL RIGHTS ACT (42 U.S.C. 2000e to 2000e-17)

28. THE FOREGOING PARAGRAPHS ARE REALLEGED AND IN CORPORATED BY REFERENCE HEREIN.

29. THE DEFENDENDENT'S CONDUCT ASALLEGED ABOVE CONSTITUES DISCRIMINATION BASED ON TITLE VII OF THE CIVIL RIGHTS ACT .THE STATED REASONS FOR THE DEFENDANT'S CONDUCT WERE NOT TRUE REASONS, BUT INSTEAD WERE PRETEXT TO HIDE THE DEFENDANTS DISCRIMINATORY ANIMUS

COUNT FOUR

(EQUAL PAY ACT)

30. THE FOREGOING PARAGRAPHS ARE REALLEGED AND IN CORPORATED BY REFERENCE HEREIN.

31. THE DEFENDENDENT'S CONDUCT ASALLEGED ABOVE CONSTITUES DISCRIMINATION BASED ON EQUAL PAY ACT .THE STATED REASONS FOR THE DEFENDANT'S CONDUCT WERE NOT TRUE REASONS, BUT INSTEAD WERE PRETEXT TO HIDE THE DEFENDANTS DISCRIMINATORY ANIMUS.

PRAYER FOR RELIEF

- A. ORDER DEFENDANTS TO REINSTATE TRAYLOR TO THE POSITION OF FORKLIFT OPERATOR WITH SOUTHERN COMPONENTS INC;
- B. AWARD TRAYLOR APPROPRIATE LOST WAGES, BONUSES, BENEFITS, AND OTHER COMPENSATION TO WHICH HE WOULD HAVE BEEN ENTITLED BUT FOR DEFENDANTS' UNLAWFUL CONDUCT;
- C. AWARD TRAYLOR OTHER AFFIRMATIVE RELIEF NECESSARY, INCLUDING BUT NOT LIMITED TO FRONT PAY, TO ERADICATE THE EFFECTS OF DEFENDANTS' DISABILITY-BASED DISCRIMINATION;
- D. AWARD TRAYLOR COMPENSATION FOR THE NONPECUNIARY DAMAGES HE SUFFERED AS A RESULT OF DEFENDANTS' UNLAWFUL DISCRIMINATORY ACTIONS DESCRIBED ABOVE, INCLUDING DAMAGES FOR EMOTIONAL PAIN AND SUFFERING, ANXIETY, STRESS, LOSS OF ENJOYMENT OF LIFE, HUMILIATION AND OTHER DIGNITARY HARMS;
- E. ENJOIN AND PERMANENTLY RESTRAIN DEFENDANTS FROM TERMINATING EMPLOYMENT TO ALL APPLICANTS WITH DISABILITIES THAT'S CAPABLE OF PERFORMING THEIR JOBS
- F. ORDER DEFENDANTS TO INSTITUTE AND IMPLEMENT POLICIES AT SOUTHERN COMPONENTS INC TO PROVIDE EQUAL EMPLOYMENT OPPORTUNITIES FOR ALL CURRENT AND FUTURE EMPLOYEES LIVING WITH DISABILITIES
- G. AWARD TRAYLOR COURT COST AND FEES;
- H. AWARD TRAYLOR PREJUDGEMENT INTEREST ON ANY DAMAGES AND/OR COSTS AND FEES AWARD
- I. PROVIDE SUCH OTHER RELIEF AS THIS COURT DEEMS JUST AND PROPER.

DEMAND FOR JURY TRIAL

TRAYLOR HEREBY DEMANDS A TRIAL BY JURY FOR ALL ISSUES IN THIS CASE.

JUNE 11, 2018

RESPECTFULLY SUBMITTED,



ERIC J TRAYLOR

P.O. BOX 38194

SHREVEPORT, LA 71133

318-617-8029